

STATE HUMAN RIGHTS  
COMMITTEE

Christina Delzingaro, Chair  
Richmond

Randy Johnsey, V-Chair  
Glade Spring

Thomas C. Bullock  
South Hill

Penny Cameron  
Reston

Carolyn DeVilbiss  
Alexandria

Joseph Lynch  
Harrisonburg

Donald Lyons  
Hillsville

Jannie Robinson  
Chesapeake

Frank Royal, Jr.  
Richmond



## COMMONWEALTH of VIRGINIA

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### MINUTES STATE HUMAN RIGHTS COMMITTEE

**Friday, December 10, 2010**  
Piedmont Geriatric Hospital  
Auditorium  
5001 East Patrick Henry Highway  
Burkeville, Virginia  
23922

#### Sub-Committee to Review LHRC Structure

##### **Members Present**

Christina Delzingaro, **Chair**  
Carolyn DeVilbiss

At 8:00 the Sub-Committee to Review LHRC Structure met and discussed proposed changes to the human rights system. They finalized recommendations to be made to the full SHRC.

#### Administrative Session

##### **Members Present**

Christina Delzingaro, **Chair**, Randy Johnsey, **Vice-Chair**, T.C. Bullock, Carolyn DeVilbiss, Donald Lyons, Joseph Lynch, Jannie Robinson,

##### **Members Not Present**

Frank Royal

##### **Members Excused**

Penny Cameron

##### **Staff**

Margaret Walsh, State Human Rights Director  
Kli Kinzie, Executive Secretary  
Karen DeSousa, DBHDS Special Counsel

Deb Lochart, Regional Human Rights Advocate, Region 2  
Michael Curseen, Human Rights Manager, Region 4 and Central State  
Hospital  
Beverly W. Garnes, Human Rights Manager, Region 4 and Southside  
Virginia Training Center  
Carrie Flowers, Human Rights Advocate  
Buddy Small, Human Rights Advocate  
Dick Roberts, Eastern State Hospital

**Others**

Paul J. Buckley, Managing Attorney, VOPA  
Erin Haw, Disability Rights Advocate, VOPA  
Josephene Johnsey, Interested Person

**Call to Order and  
Welcome**

*At 8:35 Christina Delzingaro, called the administrative meeting to  
order. A call for introductions took place prior to proceeding.*

**Approval of  
December 10, 2010  
Agenda**

*At 8:36 upon a motion by TC Bullock and seconded by Randy Johnsey  
the SHRC unanimously approved the agenda for the December 10,  
2010 meeting.*

**SHRC Goals  
Worksheet**

At 8:37 the SHRC reviewed the SHRC Goals Worksheet.

**Sub-Committee  
Reports**

**Communications**

At 8:41 Carolyn DeVilbiss provided an update on the activities of the  
Communications Committee.

**Health Care Providers**

At 8:43 Christina Delzingaro informed the SHRC that the Health Care  
Providers Committee would include its recommendations within the  
recommendations of the LHRC Structure Committee.

**2011 SHRC Meeting  
Schedule**

At 8:44 the SHRC reviewed the Draft 2011 SHRC Meeting Schedule.  
  
*Upon a motion by Randy Johnsey and seconded by TC Bullock the  
SHRC approved the dates of the 2011 SHRC meeting Schedule.*

**Correspondence**

8:52 the SHRC reviewed correspondence received since last SHRC  
meeting.

**Frank Tetrick**

At 8:52 Margaret Walsh announced that Frank Tetrick, Assistant  
Commissioner, Division of Quality Management and Development,

will retire at the end of the calendar year.

Rebecca Currin At 8:54 Margaret Walsh reviewed a letter from Rebecca Currin, VOPA, regarding timely transfer of patients and barriers to transfer. The SHRC will invite the new director of Eastern State Hospital to the next SHRC meeting to follow-up with this issue.

CSH LHRC At 8:57 the SHRC received a copy of the thank you letter sent to Central State Hospital LHRC for agreeing to serve as the local committee for Virginia Center for Behavioral Rehabilitation.

The Human Rights Office has received approval from Commissioner Stewart to go back to sending complaints to an Appeals Review Panel rather than utilizing a local human rights committee.

PGH LHRC At 8:59 the SHRC acknowledged receipt of a request for extension of timeframe for a hearing.

Appeal Findings At 9:00 the SHRC reviewed copies of appeal findings and recommendations from Eastern State Hospital and Va Center for Behavioral Rehabilitation.

Loudoun LHRC At 9:05 the SHRC reviewed a letter from Loudoun LHRC regarding membership and the definition of Health Care Provider. The SHRC will send a letter to Loudoun LHRC assuring them that the SHRC sub-committee on health care providers is working on this issue.

*BREAK At 9:13 Christina Delzingaro called for a break until 9:20*

### **Regular Session**

**Members Present** Christina Delzingaro, **Chair**, Randy Johnsey, **Vice-Chair**, T.C. Bullock, Carolyn DeVilbiss, Donald Lyons, Joseph Lynch, Jannie Robinson, Frank Royal

**Members Excused** Penny Cameron

**Staff** Alfreda Chulkley, HSCW, Piedmont Geriatric Hospital  
Chuck Collins, Regional Human Rights Advocate  
Michael Curseen, Human Rights Manager, Region 4 and Central State Hospital  
Karen DeSousa, DBHDS Special Counsel  
Carrie Flowers, Human Rights Advocate  
Beverly W. Garnes, Human Rights Manager, Region 4 and Southside Virginia Training Center

Dr. Stephen M. Herrick Director, Piedmont Geriatric Hospital  
 Kli Kinzie, Executive Secretary  
 Deb Lochart, Regional Human Rights Advocate, Region 2  
 Sherry Miles, Regional Human Rights Advocate  
 Dick Roberts, Resident Relations Liaison and Resident Safety  
 Coordinator, Eastern State Hospital  
 Buddy Small, Human Rights Advocate  
 Margaret Walsh, State Human Rights Director

**Others**

Lucius Alford, Administrator, Life Touch Services  
 Ann Benner, VOCAL  
 Paul J. Buckley, Managing Attorney, VOPA  
 Erin Haw, Disability Rights Advocate, VOPA  
 Josephene Johnsey, Interested Person  
 Elizabeth Fisher Nagji, Disability Rights Advocate, VOPA  
 Sultan M. Niazy, Piedmont Geriatric Hospital  
 Kia Roquemare, Quality Assurance, Life Touch Services  
 Mark Stevens, Disability Rights Advocate, VOPA

**Present via Telecom**

Stewart Prost, Human Rights Advocate  
 J.R., Patient, Eastern State Hospital

**Call to Order and  
 Introductions**

*At 9:20 Christina Delzingaro called the December 10, 2010, SHRC meeting to order. A call for introductions took place prior to proceeding.*

**Welcome**

*At 9:22 Dr. Stephen M. Herrick, Facility Director, Piedmont Geriatric Hospital welcomed the SHRC.*

**Public Comment**

*At 9:30 Christina Delzingaro called for Public Comments. There were no public comments.*

**Speaker  
 VOCAL: Peer  
 Support Programs**

*At 9:30 the SHRC heard a presentation by Ms. Ann Benner of VOCAL, a consumer run state-wide peer support program. Ms. Benner talked about current and future trends in self-determination and peer leadership.*

**MINUTES**

*Upon a motion by Joseph Lynch and seconded by Carolyn DeVilbiss the SHRC unanimously approved the minutes of the October 29 2010, SHRC meeting.*

**Appeal (polycom)  
 Eastern State Hospital  
 v J.R.**

*At 10:00 the SHRC heard the Appeal of Eastern State Hospital in the case of J.R. This case came before the SHRC appeal of the decision of the Eastern State Hospital (ESH) Local Human Rights Committee (LHRC) following a fact finding hearing that took place on September*

16, 2010. Mr. Dick Roberts presented the case on behalf of Eastern State Hospital. Mr. Stewart Prost, human rights advocate, assisted J.R. with the presentation of the case. Members present were Christina Delzingaro, Chair, Randy Johnsey, Vice-Chair, Donald Lyons, Joseph Lynch, Jannie Robinson, Dr. Frank Royal, Thomas C. Bullock and Carolyn M. DeVilbiss.

Eastern State Hospital brought forward this appeal stating that: 1) The documentation of the findings and recommendations of the ESH LHRC do not appear to follow the Rules and Regulations as cited in 12 VAC 35-115-180 *Local Human Rights Committee hearing and review procedures*. It is unclear as to what facts the findings are based on; and 2) The memo does list each witness with a two or three sentence summary of their testimony. There is no listing of the facts that support the findings and recommendations.

*Upon a motion by Joseph Lynch and seconded by Randy Johnsey the SHRC unanimously determines that a procedural error occurred when the ESH LHRC decision failed to include the facts to support its findings and recommendations. The SHRC is returning this case back to ESH LHRC for additional information regarding the "facts" used to support its decisions and recommendations.*

**Appeal**  
Eastern State Hospital  
v R.H. (VOPA)

At 10:15 the SHRC heard the Appeal of VOPA on behalf of R.H. v. Eastern State Hospital. This case came before the SHRC on appeal of the decision of the Eastern State Hospital (ESH) Local Human Rights Committee (LHRC) following a fact finding hearing that took place on October 21, 2010. Mr. Mark Stevens, Disability Rights Advocate, Virginia Office of Protection and Advocacy (VOPA), presented the case on behalf of R.H. Mr. Dick Roberts represented Eastern State Hospital. Members present were Christina Delzingaro, Randy Johnsey, Donald Lyons, Joseph Lynch, Jannie Robinson, Dr. Frank Royal, Thomas C. Bullock and Carolyn M. DeVilbiss. At RH's request the hearing was held in open session.

R.H. and his authorized representative are dissatisfied with the LHRC's findings with regard to the Department of Behavioral Health and Development Services (DBHDS) and ESH's violation of his rights, specifically with regards to the following:

12 VAC 35-115-50. Dignity.

...be protected from harm, including abuse, neglect and exploitation

12 VAC 35-115-100. Restrictions on freedoms of everyday life.

...from admission until discharge from a service, each individual is entitled to:..."received services in that setting

and under those conditions that are least restrictive of his freedom.”

12 VAC 35-115-60. Services.

...providers duties:... “Preparation and Implementation of an individual’s discharge plan.”

*Upon a motion by Joseph Lynch and seconded by Frank Royal the SHRC unanimously upholds all of the decisions of the ESH LHRC in this case.*

*While the SHRC found no specific violation against ESH, the SHRC believes that this case may indeed have significant system wide application. As such, the SHRC plans to identify and review similar cases on the discharge ready list and take action based upon the results of that review.*

**Sub-Committee to  
Review LHRC  
Structure Report**

At 11:12 Christina Delzingaro reported on activities of the SHRC subcommittee on LHRC Structure.

*Upon a motion by Frank Royal and seconded by Randy Johnsey the SHRC unanimously voted to 1) approve the new model LHRC bylaws; 2) approve the Cooperative Agreement; 3) request that the Chair send a memo to the Human Rights Advocates and LHRC’s outlining the changes in these documents, the reasons for adopting the changes and information about how the LHRCs should implement the changes; and 4) authorize the Subcommittee to Review LHRC Structure to participate in any planned revisions to the Regulations, and to provide recommendations to the SHRC regarding guidance that the SHRC should provide to DBHDS regarding the Regulations.*

The Office of Human Rights developed a table for tracking LHRC vacancies, which the human rights advocates will keep up to date. The SHRC will review this tracking sheet at regularly scheduled meetings.

New affiliation agreements will be developed and the LHRCs’ Bylaws will need to be reviewed in light of the new standard. The SHRC set a date of June 2011 for each LHRC to adopt the new Bylaws and execute Cooperative Agreements with affiliates.

**Bylaws  
Loudoun County  
LHRC**

At 11:45 Chuck Collins, Regional Human Rights Advocate, presented revised Bylaws for Loudoun LHRC.

*Upon motion by Randy Johnsey and seconded by Joseph Lynch the*

*SHRC unanimously voted to approve the revised Bylaws for Loudoun LHRC. The Bylaws will be revised again in June to include the planned changes to Affiliation Agreements.*

**LHRC Meeting  
Attendance  
Reporting**

At 11:48 SHRC members reported on LHRC meetings in their areas.

TC Bullock attended Southside LHRC meeting on November 1. There were about 14 providers present and all current members of the LHRC were present. Mr. Bullock reported that the LHRC meeting was well-run. The LHRC is currently recruiting to fill its vacant consumer position.

Carolyn DeVilbiss reported that she and Penny Cameron attended a meeting of the NOVA Hospitals LHRC in October. The LHRC serves hospitals providing psychiatric services in Northern Virginia. This is a small LHRC consisting of 5 members, 3 of whom were present for the meeting. The LHRC is nonetheless very active. They use a reporting grid that tracks reports from various affiliates. Ms. DeVilbiss said the hospitals are very diligent in following the outlines of the LHRC.

Ms. DeVilbiss said that the LHRC appreciated the overview she gave them on activities of the SHRC, especially as she related how the SHRC activities tie-in to LHRC activities. The NOVA Hospitals LHRC is looking closely at understanding the role of Authorized Representatives, particularly when there is a dispute between the consumer's wishes and what the AR approves.

Ms. DeVilbiss talked with the NOVA Hospitals LHRC about the efforts of the Communications sub-committee to enhance communication between the LHRCs and the SHRC. The LHRC said they really missed the regional meetings during which the Chairs of several LHRCs would meet and discuss various issues. In terms of electronic communiqués, some LHRC members would like a chat room established so LHRC members can communicate directly with each other about various issues.

Carolyn DeVilbiss reported also that she and Penny Cameron attended a meeting of the Fairfax-Falls Church LHRC. That LHRC is very active and Ms. DeVilbiss noted that they do currently have a consumer member. During that meeting, four providers came before the LHRC and presented their annual reports. This is a very organized committee. They sent Ms. DeVilbiss a list of what they wanted her to be prepared to discuss.

Carolyn DeVilbiss reported that Penny Cameron had asked Fairfax-Falls Church LHRC about the Health Care Provider requirement. The LHRC would really like to have a nurse on the committee, or someone who understands medications and psychiatric medications.

Carolyn DeVilbiss expressed concerns of the LHRC that there seems to be no funding available for the van program to transport consumers.

In closing, Carolyn DeVilbiss encourages SHRC members to attend LHRC meetings.

### **LHRC Membership**

*At 12:00 upon a motion by Randy Johnsey and seconded by TC Bullock the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(1) for the purpose of discussion and consideration of appointments to and removals from Local Human Rights Committees.*

Upon reconvening in open session, the State Human Rights Committee certified that to the best of each member's knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session were discussed in closed session.

### **Resignation**

*Upon a motion by Frank Royal and seconded by Donald Lyons the SHRC unanimously acknowledged the resignation of Chris Harrison from Fairfax-Falls Church LHRC and voted to make the following appointments.*

### **Appointments:**

#### **Region 1**

Rockbridge Area CSB LHRC  
Appoint: Ms. Nicole King  
Rappahannock-Rapidan CSB LHRC  
Appoint: Ms. Beverly Young  
Commonwealth Center for Children & Adolescents LHRC  
Appoint: Ms. Jennifer Hatter

#### **Region 2**

Fairfax-Falls Church LHRC  
Appoint: Ms. Louise Evertt  
Fredericksburg Area LHRC  
Appoint: Ms. Jill Payne

#### **Region 3**

New River Valley LHRC  
Appoint: Ms. Sheena Pickett, Ms. Vickie Linkous



Region 4  
Commonwealth LHRC  
Reappoint: Mr. Donald Thompson, Ms. Anika Allen  
ANUE LHRC  
Reappoint: Mr. Leonard P. Wiley, II  
Chester Regional LHRC  
Reappoint: Mr. Gregory Hopkins, Ms. Danielle Hunt  
Richmond Unified LHRC  
Appoint: Ms. Thomila H. Wilson

Region 5  
Hampton Regional LHRC  
Appoint: Ms. Maria Fuentes  
Colonial Regional LHRC  
Appoint: Dr. Artara Bradley  
Bay Area Regional LHRC  
Appoint: Ms. Constance Dailey-Hollands

Region 6  
Heartland Regional LHRC  
Appoint: James L. Fisher

*BREAK FOR LUNCH* At 12:15 Christina Delzingaro called for a break for Lunch.

**Human Rights Training** At 12:32 Margaret Walsh provided orientation training on the human rights regulations for SHRC members.

**Adjournment** *At 1:07 upon a motion by Randy Johnsey and seconded by Frank Royal the December 10, 2010 SHRC meeting adjourned.*

The next SHRC meeting will be held on January 21, 2011, at Williamsville Wellness, LLC, in Hanover, Virginia.

Respectfully Submitted:

  
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Christina Delzingaro, Chair

  
\_\_\_\_\_  
Kli Kinzie, Secretary